

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Sarah E. ZELLER et al.

Confirmation No.: 7218

Application No.: 10/629,398

Examiner: Nguyen, Anthony

Filing Date: 07/29/2003

Group Art Unit: 2854

Title: STAPLER/STACKER FOR FRONT-ORIENTED FRONT-ACCESS PRINTERS

Mail Stop Appeal Brief - Patent
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee
(X) Other: Response to Notice of Non-Compliant Appeal Brief and BRIEF ON (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	17	MINUS	20	= 0	X \$50	\$ 0
INDEP. CLAIMS	4	MINUS	4	= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00	\$ 0	
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

Sarah E. ZELLER et al.

By

Todd A. Rathe

Attorney/Agent for Applicant(s)

Reg. No. 38,276

Date: 07/18/2005

Date of Deposit: 07/18/2005

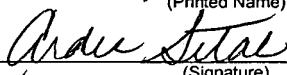
Typed Name: Ardis Sitar

Signature:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Sarah E. ZELLER et al.
Title: STAPLER/STACKER FOR
FRONT-ORIENTED FRONT-
ACCESS PRINTERS
Appl. No.: 10/629,398
Filing Date: 07/29/2003
Examiner: Nguyen, Anthony
Art Unit: 2854

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RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Notice of Non-Compliant Appeal Brief mailed on July 30, 2005, in which it was asserted that the Brief was non-compliant for its failure to contain an Appendix, including copies of evidence submitted under 37 C.F.R. 1.130, 1.131 or 1.132 and for omitting an appendix including related proceedings or copies of decisions rendered by a Court or the Board in a proceeding identified in the Related Appeals and Interferences section of the Brief.

In response, a complete new Brief in compliance with 37 C.F.R. 41.37 is filed herewith. The new Brief contains evidence and related proceedings Appendix which indicates that no such evidence and no such related proceeding decisions exist. Thus, Appellants respectfully request entry of the Appeal Brief.

Respectfully submitted,

Date July 18, 2005

By Todd A. Rathe

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Amended Dkt. No. 200209155-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Sarah E. ZELLER et al.
Title: STAPLER/STACKER FOR
FRONT-ORIENTED FRONT-
ACCESS PRINTERS
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Filing Date: 07/29/2003
Examiner: Nguyen, Anthony
Art Unit: 2854

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BRIEF ON APPEAL

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, California. The general or managing partner of HPDC is HPQ Holdings, LLC.

3. Status of Claims

The present appeal is directed to Claims 1-3, 6-10, 12-17 and 19-21, i.e., all of the presently pending claims that stand rejected in this application. No claims have been allowed.

4. Status of Amendments

Claims 1-20 were originally pending in the application. In response to a first substantive Office Action mailed on July 1, 2004, Appellants cancelled Claims 4, 5, 11 and 18; amended Claims 8, 10, 12 and 15; and added Claim 21. In response to a Final Office Action mailed on November 9, 2004, Appellants requested entry of amendments to Claims 1, 8 and 15. An Advisory Action mailed on February 4, 2005 indicated that the requested entry of amendments to Claims 1, 8 and 15 would be entered for purposes of appeal. This is an appeal from the Final Office Action mailed on November 9, 2004 finally rejecting Claims 1-3, 6-10, 12-17 and 19-21. No claims have been allowed.

5. Summary of the Invention

The present invention relates, in general, to printing devices and in particular, to staplers/stackers in printing devices. (Specification, page 1, paragraph 0001). Some prior art printers including a stapler/stacker require the user to access output from the side of the printer, causing a usability issue, or require that the printer be oriented sideways, occupying valuable space. (Specification, page 3, paragraph 0009). Other prior art printers including rear-mounted staplers/stackers require additional media flippers, occupy significant heights and depths, output media in a non-intuitive fashion and exhibit reduced overall performance or speed. (Specification, page 4, paragraph 0011).

Claim 1 is directed to a front-oriented, front-access printer 40 configured with a front-mounted fuser 401. Printer 40 includes a print mechanism 406 and a main paper path 400 that passes through the print mechanism 406 and the fuser 401. The printer further includes a media flipper 403 which engages and drives a sheet of media in a first direction along the main paper path and in a second opposite

direction towards one of a second path 502 and a third path 501 leading to a stapler/stacker 404 mounted in proximity to the front-mounted fuser 401. The printer includes a print mechanism 406, a main paper path 400, 500, a media flipper 403, a stapler/stacker 404 and a re-director 503, 600, 601.

Re-director 503, 600, 601 is within the front-mounted fuser 401 and is movable between a first position in which the media sheet moving in the second direction moves along one of the second path 502 and the first path 501 and a second position in which the media sheet moving in the second direction moves along the other of the second path 502 and the third path 501. (Specification, page 7, paragraphs 0028 and 0029; page 8, paragraph 0030).

Claim 8 is directed to a method for re-directing the print media in a front-oriented, front-access printer 40 having a front-mounted fusing apparatus 401. The method includes directing the print media through a print system 406 (Figure 4), guiding the print media through a fusing apparatus 401 after the print system along a first media path 400, 500, reversing a direction of movement of the print media along the first media path using an existing media engaging and driving member 403 for the path 400, 500 and selectively directing the reversed media sheet to one of a second media path 502 and a third media path 501, wherein the third media path 501 leads to a stapler/stacker 404. (Specification, page 7, paragraphs 0028 and 0029; page 8, paragraph 0030).

Claim 15 is directed to a front-oriented, front-access oriented printer which includes printing means (print mechanism) 406, fusing means (fusing system) 401 mounted in a front area of the printer, media flipping means (flipper) 403 for engaging a print media and reversing a direction of movement of the print media along a first printing path 400, 500, stacking means (stapler/stacker) 404 mounted in a front side of the printer for accumulating the print media pending execution of a staple/offset function and re-direction means (diverter) 503, 600, 601 for selectively directing the reversed print media into a second path 502 or a third path 501 leading to the stacking means 404 in response to selection of the stapler/offset stacker

capability. (Specification, page 7, paragraphs 0028 and 0029; page 8, paragraph 0030).

Claim 21 is directed to an apparatus 40, 70 which includes a printing mechanism 406, 702, 703, 704, 705 configured to print upon a medium, an output tray 402, a stacker 404 configured to stack printed upon media, a media driver 403 and a director 503, 600, 601. Media driver 403 is configured to engage and move printed upon media along a first path 400, 500 in a first direction to the output tray 402 and configured to engage and move printed upon media along the first path in a second opposite direction towards one of a second path 502 and a third path 501 leading to the stacker 404.

Director 503, 600, 601 is movable between a first position in which media being driven by the media driver 403 in the second direction is directed into the second path 502 and a second position in which the media being driven by the media driver 403 in the second direction is directed into the third path 501. (Specification, page 7, paragraphs 0020 and 0029; page 8, paragraph 0030).

6. Concise Statement Listing Each Ground of Rejection for Review

The issues on appeal are whether the Examiner erred in rejecting Claims 1, 3, 5, 8, 10, 12, 15, 17 and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,903 (Hashimoto et al.), whether the Examiner erred in rejecting Claims 2, 6, 9, 13, 16 and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,445,903 (Hashimoto et al.) in view of U.S. Patent No. 6,353,727 (Muraoka et al.), and whether the Examiner erred in rejecting Claims 7, 14 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,445,903 (Hashimoto et al.) in view of U.S. Patent No. 6,690,901 (Katsuyama et al.).

7. Argument

I. Legal Standards

A. Standards Under 35 U.S.C. § 102(e).

Claims 1, 3, 5, 8, 10, 12, 15, 17 and 21 have been rejected under 35 U.S.C. § 102(e), which states:

The invention was described in—

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Under Section 102, a claim is anticipated, i.e., rendered not novel, when a prior art reference discloses every limitation of the claim. In re Schreiber, 128 F.3d 1473, 1477 (Fed. Cir. 1997). Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” In re Mills, 916 F.2d 680, 682 (Fed. Cir. 1990). “Rejections under 35 U.S.C. § 102(a) are proper only when the claimed subject matter is identically disclosed or described in the prior art.” In re Arklely, Eardley, and Long, 172 U.S.P.Q. 524, 526 (CCPA 1972).

Claim terms will be given their ordinary and accustomed meaning, unless there is “an express intent to impart a novel meaning to [the] claim [term]” by the patentee. York Prods., Inc. v. Cent. Tractor Farm & Family Ctr., 99 F.3d 1568, 1572

(Fed. Cir. 1996); Sage Prods. v. Devon Indus., Inc., 126 F.3d 1420, 1423 (Fed. Cir. 1997). The ordinary and accustomed meaning of a claim term is determined by reference to dictionaries, encyclopedias, and treatises available at the time of the patent. See Texas Digital Systems, Inc., 308 F.3d at 1203. Such references are always available for claim construction purposes and are neither extrinsic nor intrinsic evidence. See Texas Digital Systems, Inc. v. Telegenix, Inc., 308 F.3d 1193, 1202-03 (Fed. Cir. 2002).

In order to impart a specific meaning to a claim term, i.e., for the inventor to be her own lexicographer, such lexicography must appear “with reasonable clarity, deliberateness, and precision.” In re Paulsen, 30 F.3d 1475, 1480 (Fed. Cir. 1994). However, intrinsic evidence may be consulted to determine the definite meaning of a claim term that is unclear. CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359, 1367 (Fed. Cir. 2002). A claim term may be redefined without any express statement of redefinition in the specification. Bell Atl. Network Servs., Inc. v. Covad Communications Group, Inc., 262 F.3d 1258, 1268 (Fed. Cir. 2001). “[A] claim term will not carry its ordinary meaning if the intrinsic evidence shows that the patentee distinguished that term from prior art on the basis of a particular embodiment” or “described a particular embodiment as important to the invention.”

B. Standards Under 35 U.S.C. § 103(a).

Claims 2, 6, 7, 9, 13, 14, 16, 19 and 20 have been rejected under 35 U.S.C. § 103(a), which states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The legal standards under 35 U.S.C. § 103(a) are well-settled. Obviousness under 35 U.S.C. § 103(a) involves four factual inquiries: 1) the scope and content of

the prior art; 2) the differences between the claims and the prior art; 3) the level of ordinary skill in the pertinent art; and 4) secondary considerations, if any, of nonobviousness. See Graham v. John Deere Co., 383 U.S. 1, 148 U.S.P.Q. 459 (1966).

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. In re Piasecki, 745 F.2d 1468, 1471-72, 223 U.S.P.Q. 785, 787-88 (Fed. Cir. 1984). “[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” In re Fritch, 972 F.2d 1260, 1265, 23 U.S.P.Q. 2d 1780, 1783 (Fed. Cir. 1992).

As noted by the Federal Circuit, the “factual inquiry whether to combine references must be thorough and searching.” McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 60 U.S.P.Q. 2d 1001 (Fed. Cir. 2001). Further, it “must be based on objective evidence of record.” In re Lee, 277 F.3d 1338, 61 U.S.P.Q. 2d 1430 (Fed. Cir. 2002). The teaching or suggestion to make the claimed combination must be found in the prior art, and not in the applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 U.S.P.Q. 2d 1430 (Fed. Cir. 1990). “It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher.” Lee (citing W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983)). Teaching away from the claimed invention is a strong indication of non-obviousness and an improper combination of references. U.S. v. Adams, 383 U.S. 39 (1966).

II. The Examiner's Rejection of Claims 1, 3, 5, 8, 10, 12, 15, 17 and 21 Under 35 U.S.C. § 102(e) as Being Anticipated by U.S. Patent No. 6,445,903 (Hashimoto et al.) Should Be Reversed Because Hashimoto Does Not Teach Every Limitation of Each of the Claims.

The claimed invention is not anticipated under § 102 unless each and every element of the claimed invention is found in the prior art. (Hydratech, Inc. v. Monochronal Antibodies, Inc., Fed. Cir. 1986). Accordingly, the rejection of these claims under 35 U.S.C. § 102(e) is improper and should be reversed.

A. Claim 1 Is Patentable Over Hashimoto Because Hashimoto Does Not Disclose a Redirector Movable Between Two Positions to Selectively Direct Media Moving in a Second or Reverse Direction to Either a Second Path or a Third Path Leading to a Stacker.

Claim 1 recites a media flipper configured to engage and drive a sheet of media in a first direction along the main paper path and in a second opposite direction towards one of a second path and a third path leading to a stapler/stacker. Claim 1 further recites a redirector movable between a first position in which the media sheet moving in the second direction moves along one of the second path and the third path and a second position in which the media sheet moving in the second direction moves along the other of the second path and the third path.

In rejecting Claim 1, the Examiner asserts that:

Hashimoto et al. teaches the media flipper 18a, 18b which engages and drive a sheet in a first direction along the paper path and in a second opposite direction towards the second and third paths as recited. The redirector 13 of Hashimoto et al. which includes the gate members 10a, 10b movable between a first position and a second position for directing the media sheet to one of a second and third path (Hashimoto et al., col. 5 lines 62-67).

(Final Office Action mailed on November 9, 2004, page 4). Thus, the Examiner appears to be arguing that the sheets being reversed by reversal rollers 18a and 18b

are selectively directed to alternate paths by gate members 10a and 10b. However, closer inspection of Hashimoto et al. reveals that media being reversed by reversal rollers 18a and 18b is never directed by gates 10a and 10b but is always and automatically directed to a single outlet 11 which leads to stacker 2. In other words, the sheet being reversed by reversal rollers 18a and 18b is never even contacted by gates 10a and 10b (characterized by the Examiner as the "redirector") and cannot be moved to one of two alternate paths.

Moreover, the only surface that contacts a sheet being reversed by reversal rollers 18a and 18b is divergent point P. However, divergent point P is fixed or stationary and does not direct the sheet being reversed to one of two alternate paths. Thus, the rejection of Claim 1 based upon Hashimoto is improper and should be reversed. Claims 3 and 5 depend from Claim 1 and are patentably distinct over Hashimoto for the same reasons as Claim 1.

B. Claim 8 Is Patentable Over Hashimoto Because Hashimoto Does Not Disclose Reversing a Direction of Movement of Print Media Along a First Media Path Using an Existing Media Engaging and Driving Member for the Path and Selectively Directing the Reversed Media Sheet to One of a Second Media Path and a Third Media Path, Wherein the Third Media Path Leads to a Stapler/Stacker.

Claim 8 recites a method for re-directing print media in a printer which includes reversing a direction of movement of print media along a first media path using an existing media engaging and driving member for the path and selectively directing the reverse media sheet to one of a second media path and a third media path, wherein the third media path leads to a stapler/stacker.

In rejecting Claim 8, the Examiner asserts that:

Hashimoto et al. teaches the steps of directing and the reversing a direction of the print media to one of second and third pass via the reversal roller pair 18 and reversing device 13 as shown in Figs. 1 and 3 of Hashimoto et al.

(Final Office Action mailed on November 9, 2004, pages 4 and 5.)

However, in contrast to the assertion made by the Examiner, Hashimoto does not selectively direct a reversed media sheet to one of a second media path and a third media path leading to a stapler/stacker. Hashimoto does not selectively direct the media sheet being reversed by reversal rollers 18 to one of two alternate paths. Instead, the sheet being reversed by rollers 18 is always directed to the same path outlet 11 leading to stacker 2. Hashimoto fails to disclose any director that may alternatively direct the sheet being reversed by rollers 18 to another path which does not lead to stacker 2. Thus, the rejection of Claim 8 based upon Hashimoto is improper and should be reversed. Claims 10 and 12 depend from Claim 8 and are patentably distinct over Hashimoto for the same reasons as Claim 8.

C. Claim 15 Is Patentable Over Hashimoto Because Hashimoto Does Not Disclose Redirection Means for Selectively Directing the Reversed Print Media Into a Second Path or a Third Path Leading to the Stacking Means in Response to Selection of the Staple/Offset Stack Capability.

Claim 15 recites a printer having stapled/offset stacked features. Claim 15 further recites that the printer includes redirection means for selectively directing a reversed print media into either a second path or a third path leading to the stacking means in response to selection of the staple/offset stack capability. The specification specifically discloses a redirection means comprising a gate, director or diverter 503 or a gate 600 and a diverter 601 which selectively direct reversed print media into either a second path or a third path leading to stacking means.

Hashimoto fails to disclose any redirection means for selectively directing a reversed print media into a second path or a third path leading to stacking means. In contrast, Hashimoto merely discloses reversal roller pair 18 which moves print media to a single media path (sheet outlet 11). In rejecting Claim 15, the Office Action states that:

The re-director 13 of Hashimoto et al. which includes the gate members 10a, 10b movable between a first position

and a second position for directing the media sheet to one a second and a third path (Hashimoto et al., col. 5, lines 62-67).

(Final Office Action mailed on November 9, 2004, page 4.)

However, gate members 10a, 10b are not part of reversing device 13. Gate members 10a and 10b do not contact a sheet of media being reversed by reversal roller pair 18 of Hashimoto. Because reversal device 13 of Hashimoto always moves a sheet of media to media outlet 11, a reversed sheet can never contact gates 10a, 10b. Thus, Hashimoto fails to disclose redirection means for selectively directing print media into either a second path or a third path leading to stacking means. Accordingly, the rejection of Claim 15 based upon Hashimoto is improper and should be reversed. Claim 17 depends from Claim 15 and is patentably distinct over Hashimoto for the same reasons as Claim 15.

III. The Examiner's Rejection of Claims 2, 6, 9, 13, 16 and 19 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 6,445,903 (Hashimoto et al.) in View of U.S. Patent No. 6,353,727 (Muraoka et al.) Should Be Reversed Because Neither Hashimoto nor Muraoka, Alone or in Combination, Disclose Every Limitation of Each of the Claims.

The claimed invention is not obvious under 35 U.S.C. § 103 unless the prior art reference or references teaches or suggests all of the claim limitations. In re Royka, 490 Fed. 2d 981 (CCPA 1994). Accordingly, the rejection of these claims under 35 U.S.C. § 103(a) is improper and should be reversed.

Claims 2 and 6 depend from Claim 1 which recites a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second path or a third path leading to a stacker. As noted above with respect to the rejection of Claim 1 (Section I.A.), Hashimoto fails to disclose a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second path or a third path leading to a stacker. Muraoka also fails to disclose a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second

path or a third path leading to a stacker. Thus, the rejection of Claims 2 and 6 based on Hashimoto and Muraoka is improper and should be reversed.

Claims 9 and 13 depend from Claim 8 which recites the step of reversing a direction of movement of print media along a first media path using an existing media engaging and driving member for the path and selectively directing the reversed media sheet to one of a second media path and a third media path, wherein the third media path leads to a stapler/stacker. As discussed above with respect to the rejection of Claim 8 (Section II.B.), Hashimoto fails to disclose reversing a direction of movement of a print media and selectively directing the reversed media sheet to one of a second media path and a third media path leading to a stapler/stacker. Katsuyama also fails to disclose reversing a direction of movement of print media along a media path and selectively directing the reverse media sheet to one of a second media path and a third media path. Thus, the rejection of Claims 9 and 13 based upon Hashimoto in view of Muraoka is improper and should be reversed.

Claims 16 and 19 depend from Claim 15 which recites re-directional means for selectively directing the reverse print media into a second path or a third path leading to stacking means in response to the selection of the staple/offset stack capability. As discussed above with respect to the rejection of Claim 15 (Section II.C.), Hashimoto fails to disclose re-direction means for selectively directing the reverse print media into a second path or a third path leading to the stacking means in response to selection of the staple/offset stack capability. Muraoka also fails to disclose or suggest re-directional means for selectively directing reversed print media into a second path or a third path leading to the stacking means in response to selection of the staple/offset stack capability. Thus, the rejection of Claims 16 and 19 based upon Hashimoto in view of Muraoka is improper and should be reversed.

IV. The Examiner's Rejection of Claims 7, 14 and 20 Under 35 U.S.C. § 103(a) as Being Unpatentable Over U.S. Patent No. 6,445,903 (Hashimoto et al.) in View of U.S. Patent No. 6,690,901 (Katsuyama) Should be Reversed Because Neither Hashimoto Nor Katsuyama, Alone or in Combination, Disclose Every Limitation of Each of the Claims.

Claim 7 depends from Claim 1 which recites a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second path or a third path leading to a stacker. As discussed above with respect to the rejection of Claim 1 (Section I.A.), Hashimoto fails to disclose a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second path or a third path leading to a stacker. Katsuyama also fails to disclose a director movable between two positions to selectively direct media moving in a second or reverse direction to either a second path or a third path leading to a stacker. Accordingly, the rejection of Claim 7 based upon Hashimoto in view of Katsuyama is improper and should be reversed.

Claim 14 depends from Claim 8. As discussed above with respect to the rejection of Claim 8 (Section I.B.), Hashimoto fails to disclose reversing a direction of movement of print media along a media path using an existing media engaging and driving member for the path and selectively directing the reverse media sheet to one of a second media path and third media path leading to a stapler/stacker. Katsuyama also fails to disclose this limitation of Claim 8. Accordingly, the rejection of Claim 14 based upon Hashimoto in view of Katsuyama is improper and should be reversed.

Claim 20 depends from Claim 15. As discussed above with respect to the rejection of Claim 15 (Section I.B.), Hashimoto fails to disclose re-direction means for selectively directing the reverse print media into a second path or a third path leading to the stacking means in response to selection of the staple/offset stack capability. Katsuyama also fails to disclose this limitation of Claim 15. Accordingly, the rejection of Claim 20 based upon Hashimoto in view of Katsuyama is improper and should be reversed.

Conclusion

In view of the foregoing, the Appellant submits that Claims 1, 3, 5, 8, 10, 12, 15, 17 and 21 are not properly rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,903 to Hashimoto and are therefore patentable. Claims 2 and 6, Claims 9 and 13 and Claims 16 and 19 depend from Claims 1, 8 and 15, respectively, and are not properly rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,445,903 to Hashimoto et al. in view of U.S. Patent No. 6,353,727 to Muraoka et al. Claims 7, 14 and 20 depend from Claims 1, 8 and 15, respectively, and are not properly rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,445,903 to Hashimoto et al. in view of U.S. Patent No. 6,690,901 to Katsuyama et al. Accordingly, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Summary

For the foregoing, it is submitted that the Examiner's rejections are erroneous, and reversal of the rejections is respectfully requested.

Dated this 18th day of July, 2005.

Respectfully submitted,

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APPENDIX – A: THE CLAIMS ON APPEAL

1. (Previously Presented) A front-oriented, front-access printer (FOFAP), said FOFAP configured with a front-mounted fuser, said FOFAP comprising:

a print mechanism;

a main paper path passing through each of:

said print mechanism; and

said fuser;

a media flipper configured to engage and drive a sheet of media in a first direction along the main paper path and in a second opposite direction towards one of a second path and a third path leading to the stapler/stacker;

a stapler/stacker mounted in proximity to said front-mounted fuser; and

a redirector within said front-mounted fuser and movable between a first position in which the media sheet moving in the second direction moves along one of the second path and the third path and a second position in which the media sheet moving in the second direction moves along the other of the second path and the third path.

2. (Original) The FOFAP of claim 1 further comprising:

a foldable offset tray for holding output from said stapler/stacker,

wherein a main output tray is unobstructed when said foldable offset tray is in a folded position.

3. (Original) The FOFAP of claim 1 wherein said second path comprises a duplex printing path.

4. (Cancelled)

5. (Cancelled)

6. (Original) The FOFAP of claim 2 wherein said output from said stapler/stacker is stacked in the same orientation as output to said main output tray.

7. (Original) The FOFAP of claim 1 wherein said print mechanism is a color print mechanism.

8. (Previously Presented) A method for redirecting print media in a front-oriented, front-access printer (FOFAP) having a front-mounted fusing apparatus, said method comprising:

directing said print media through a print system;
guiding said print media through a fusing apparatus after said print system along a first media path;
reversing a direction of movement of said print media along the first media path using an existing media engaging and driving member for said path
selectively directing the reversed media sheet to one of a second media path and a third media path, wherein the third media path leads to a stapler/stacker.

9. (Original) The method of claim 8 further comprising:
depositing output from said front-mounted stapler/stacker assembly in a retractable output tray.

10. (Previously Presented) The method of claim 8 wherein the second path is a duplex print system path.

11. (Cancelled)

12. (Previously Presented) The method of claim 8 wherein said reversing is done after a trailing edge of said print media exists said fusing apparatus.

13. (Original) The method of claim 9 further comprising:
orienting said output in a same direction as completed print jobs in a main output tray.

14. (Original) The method of claim 8 wherein said print system is a color print system.

15. (Previously Presented) A printer having staple/offset stack features, said printer being front-oriented, front-access oriented, said printer comprising:

- printing means;
- fusing means mounted in a front area of said printer;
- media flipping means for engaging a print media and reversing a direction of movement of said print media along a first printing path;
- stacking means mounted in a front side of said printer for accumulating said print media pending execution of a staple/offset function; and
- redirection means for selectively directing said reversed print media into a second path or a third path leading to said stacking means in response to selection of said staple/offset stack capability.

16. (Original) The printer of claim 15 further comprising:

- retracting means associated with an offset output tray, wherein said offset output tray does not obstruct a main output tray when said retracting means is activated.

17. (Original) The printer of claim 15 wherein said second printing path is a duplex printing path.

18. (Cancelled)

19. (Original) The printer of claim 15 further comprising:

- output means for outputting print media from said stacking means in a same orientation as print media output to a main output tray.

20. (Original) The printer of claim 15 wherein said printing means comprise color printing means.

21. (Previously Presented) An apparatus comprising:

- a printing mechanism configured to print upon a medium;
- an output tray;
- a stacker configured to stack printed upon media;

a media driver configured to engage and move printed upon media along a first path in a first direction to the output tray and configured to engage and move printed upon medium along the first path in a second opposite direction towards one of a second path and a third path leading to the stacker; and

a director movable between a first position in which media being driven by the media driver in the second direction is directed into the second path and a second position in which media being driven by the media driver in the second direction is directed into the third path.

APPENDIX – B: RELATED EVIDENCE AND PROCEEDINGS

There is no evidence previously submitted under 37 C.F.R. §§ 1.130, 1.131 or 1.132 or other evidence entered by the Examiner and relied upon by Appellant in this appeal. Accordingly, the requirements of 37 C.F.R. §§ 41.37(c)(1)(ix) are satisfied.

There are no decisions rendered by a Court of the Board in a proceeding identified in the Related Appeals and Interferences section. Accordingly, the requirements of 37 C.F.R. §§ 41.37(c)(1)(x) are satisfied.